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93-106

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

June 10, 1993

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Ms. Donna Searcy
Secretary
Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554

Comments on FCC Docket 93-183 Notice of Proposed Rulemaking on
Instructional Television Fixed Service Channel Loading (Mass Media
Docket 93-106)

Dear Ms. Searcy:

The Regents of the University of California (UC) is licensee of Instructional Television Fixed Service (ITFS) systems operated by the Berkeley, Davis, Riverside, San Francisco and Santa Barbara campuses. The University of California has excess capacity airtime lease agreements with several Multichannel Multipoint Distribution Service (MMDS, also known as Wireless Cable) companies. So that

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Educational Program Consolidation

ITFS licensees need to be able to have scheduling flexibility when programming ITFS channels that have excess capacity airtime leased to a wireless cable operator. Because the academic class schedules of educational institutions are all different, educators need to be able to adapt their ITFS airtime schedules based on their instructional needs and educational program distribution priorities. Elementary and secondary school districts usually have the largest ITFS airtime demand for class transmissions between 8am and 4pm Monday through Friday. Colleges and universities can have classes scheduled at any time between 7:30am and 10pm Monday through Sunday. Higher education classes can be offered in one to three hour blocks one to five times per week in quarter or semester segments or they can have all day seminars, colloquia or videoconferences that last from one to three days. Channel loading of an ITFS licensee's educational programming onto one, two or three of the licensee's four ITFS channels would allow the ITFS licensee the flexibility to develop a program schedule of non interrupted segments simultaneously airing on as many of its channels as are needed to meet the institution's academic scheduling priorities. By allowing educational program channel

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Recommendation:

The Commission should allow each ITFS licensee which leases excess airtime to a wireless cable operator and which can benefit from channel loading its educational programming on fewer than all four of its ITFS channels to channel load on any of the ITFS, OFS or MDS channels which are operated together as part of a wireless cable system, so long as each ITFS licensee airs at least 80 hours of educational programming per week and has access, as needed, to an additional 80 hours per week of airtime through the ready recapture mechanism.

Waiver Request

The Commission should allow channel loading of educational programming where it is justified. However, the norm for ITFS channel licensees should continue to be some educational programming on all four ITFS channels. The ITFS licensees which need channel loading to address the technical disruptions of channel mapped switching or the special academic scheduling problems of meshing ad hoc and regularly scheduled academic programs should explain this justification to the Commission when applying for a new ITFS license. If an ITFS licensee is operating under an existing ITFS license, the channel loading waiver request should be considered a minor modification of the license.

Recommendation:

If an ITFS licensee needs to use channel loading to address academic scheduling problems or to minimize the technical disruptions of channel mapping, the licensee should request a waiver from the Commission's requirement to have some educational programming on each ITFS channel when it submits an original application for an ITFS license or when it submits a minor modification application for an existing ITFS station. The waiver request should state the technical and/or educational justification for channel loading, state the extent of channel loading requested and state the duration of time that the channel loading will be needed.

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Interim Solution

Because digital compression technology is expected to be widely available by 1998 to address some of the technical and scheduling conflict problems currently experienced by ITFS licensees which are leasing excess airtime on channel mapped systems, the Commission should allow channel loading on an interim basis of no longer than five years. Since the digital compression technology is still being refined, the Commission should allow channel loading for at least three years in order to allow the sophistication of the digital equipment to be increased and the price to be reduced as much as possible before widescale implementation is expected.

Recommendation:

The Commission should allow channel loading of educational programming on fewer than all four of an ITFS licensee's channels for a minimum of three years and a maximum of five years. The Commission can revisit the channel loading issue in five years if digital compression technology is not sufficiently widely available at a reasonable cost to address the problems being cured by channel loading.

FCC ITFS Advice Telephone Line

ITFS licensees have varying levels of experience and resources available to them to negotiate excess capacity ITFS airtime leases. It would be helpful for ITFS licensees to be able to have one contact point at the Commission for advice on ITFS licensee rights and responsibilities regarding their educational program schedule and regarding operation of an ITFS station which leases excess airtime to any commercial enterprise.

Recommendation:

The Commission should establish an advice telephone line for questions about an ITFS licensee's rights and responsibilities when it leases excess ITFS airtime to a for-profit company.

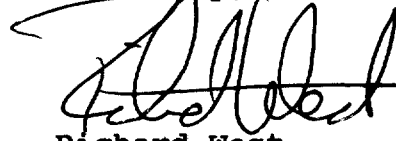
Conclusion

UC supports the use, for a period of three to five years, of channel loading an ITFS licensee's educational programs onto fewer than all four of its ITFS channels if it can address the licensee's technical switching problems or academic scheduling problems.

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If there is additional information on the usefulness of channel loading to UC ITFS operations which we can provide you, please contact Ms. Willi Bokenkamp of this office at (510) 987-0373.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard West', written over a horizontal line.

Richard West
Associate Vice President
Information Systems and
Administrative Services

Enclosure: 9 copies of this Comment for FCC distribution